

## MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and represented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.



December 5, 2007

### VIA FACSIMILE AND REGULAR MAIL

Honorable Laura Taylor Swain, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Anthony Bartell  
T. 973.634-2062  
F. 973.624.7070  
abartell@mccarter.com

Re: *Ingersoll-Rand Company v. Century Indemnity Company*  
Civil Action No. 07-CV-4825(LTS)(THK)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: DEC 10 2007

Dear Judge Swain:

McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
P.O. Box 662  
Newark, NJ 07102  
T. 973.622.4444  
F. 973.624.7070  
www.mccarter.com

We represent plaintiff Ingersoll-Rand Company. This letter confirms my conversation with your chambers this morning regarding the status of settlement discussions between the parties. I am pleased to advise the parties reached a tentative settlement at the November 14, 2007 Conference before Judge Martinotti. Given this development, the parties respectfully request that Your Honor adjourn the December 11, 2007 Initial Pretrial Conference for thirty (30) days to give the parties an opportunity to finalize their settlement. We, of course, will keep Your Honor apprised of all pertinent developments.

If Your Honor has any questions or comments, please do not hesitate to contact me.

Respectfully submitted,

  
Anthony Bartell

BOSTON

HARTFORD

NEW YORK

NEWARK

PHILADELPHIA


STAMFORD

WILMINGTON

cc: Hon. Brian R. Martinotti, J.S.C. (via reg. mail)  
Paul W. Kallish, Esq. (via e-mail and reg. mail)  
David Florin, Esq. (via e-mail and reg. mail)

The conference is adjourned to January 18, 2008,  
at 4:30 pm.

SO ORDERED.

  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

ME1 0963216v.1

*faxed*  
Copies ~~mailed~~ to Counsel of Record  
Chambers of Judge Swain